7/5/72

Dear Howard,

I begin comment on your 6/29 to Jerry while Lil reads it because I begin by addressing an error that in itself is significant in the overall. I think I sent you a copy of my response to Gary. If I did you will have caught it. I am not certain because I have been avpiding any general distribution of any of this sickening stuff. I think I have sent you alone everything and nothing to any critic not indicated in any letter. Even including Jerry as a critic. The one exception, and this is with some only, is that I have sent copies to a non-critic friend unknown to any of you. This is a friendxx of my years who also would not hesitate to tell me I am wrong if this were his and his wife's belief.

What seems to have happened is consistent with the past. As soon as I force something of significance out, Marion Johnson goes to the extent he can to attract attention to it on the part of all the irresponsibles. It is this th which I refer in my letter to Gary quoting Hoch's observation of this on one of the earlier occasions. Then Johnson manages to send what he has "listed" to everyone but me and it now seems you. I heard of this before Gary wrote me. While I think it makes no moral or ethical difference and xxxx does not invalidate your reasoning of criticism, it is a factual difference. Jim Lesar phoned me to say he couldn't keep a long-delayed date to go over an enormpus amount of work I have done for the lawyers in the Ray case. They appear unsatisfied that I do all this work free and witnout complete recovery of my expenses. Today's mail includes a minor case, delayed phone bills made on my credit card when I was in Kansas and Tenn. I had already sent my expenses to Bud because we need the part he didn't advance. He gave me $150 in cash for a 2,000 mile + trip to last at least a week. They also want me to prepare the affidavits for them! It is not that I am reluctant to do this, for as my files will show I have done the legal thinking xx at the beginning, the drafting of the earlier motions, and the errors were when they didn't do what I suggested (which I think you should take more as a commentary on lawyers than on me). It is that it is about time they learn some of the evidence with which they are supposed to be dealing and they'll not get anything until they sit down and listen to the taped interviews while we dub copies for them. I digress, and it suddenly occurs to me that there is a general appropriateness in the digression for it relates to the slander that I suppress. This is quite the opposite, as is obvious, and as would be even more clear if you heard some of the potential literary property on those tapes. There is a fantastic story on Foreman, for example, and only one example of the many. Anyway, when Jim called me, I asked him, as I always do, what's new? I thenk asked if he had heard from Jerry, who can call him free through his tie-line and the local-outlet operator. He told me he had heard of this and volunteered that the d.c. is listen on something he got from Johnson. I asked him to send me a copy, he said he would, and in two weeks it hasn't come. Gary, however, in the letter of which I have sent a copy to nobody, telling him to control its distribution, freely admits getting this from me and in confidence.

What may amuse you is that he sent a copy to Wecht, and he and I had discussed the entire thing in January when I drove to Bethesda and brought him up here, not amusing. So at best Jerry served no role and could not have, save as spolier and egp-tripper, the two things his self-respect and future emotional stability will require that he comes to understand. I don't t ink, by the way, that anyone could have attempted this more forcefully or effectively than you did. And I have never seen you write anything this way. Careful, you are getting like me!

Before addressing a few interesting things, a general comment. First of all, I'm glad you wrote this before you got my comments, glad that it is independent and glad that it is so close to identical. Next, I see already what by now you will know I told you would come of this besides pain for you, worthwhile experience and added maturity. Kinda like the story of the child and the hot iron, an effective way to learn, but painful. Here I would encourage you not to follow my precept in the future, especially not if you continue in history, for shholarship today is perhaps more corrupt than either business or politics, and you'll have the kind of trouble I hve had if you are not careful. However, you will not have the reason I have to run the risk. It is because I am andI feel exactly opposite the slanders that I do run these risks. Among those who have chided me for it are Lil and Mary. I was aware of the risk without the chiding, but it leaves me no excuse, as Lil reminded me on returning your letter. I never expected either Gary or Jerry to do as they did, and that part does hurt. But I was aware, generally, that this could happen and long

I decided what responsibility required of me. The stealing is so old it goes back to Popkin(who duplicated one of my typos and whose publisher tried to get me to file an injunction to help sell his book before it was printed, andnto Lane, who eliminated the pictures the advertising of which his publisher paid much for, a double-truck in Publishers' weekly and included two "appendixes" from my work and one from Epstein's. The chances of your dealing with such a subject in any history writing are remote, so such social responsibilities will not fall upon you. Therefore, learn this lesson also from this mess, for you will have a living to make, hopefully children to educate and rear, and you will, as I do, want to right to your own work just as carpenters and plumbers do. Somehow intellectuals have come to thing it right and proper to steal the work of the mind but still wrong to steal abrick wall or an assembly of pipes.

So, expect JP to try to clobber you on this seeming error. Your first comment is the one, I think from the first reading, to bear in mind, When Gary had a copy from me, it is pertinent to ask as you do, "If Gary subsequently ordered another copy from the Archives, what could his motive be." To this, and only for your won thinking, why didn't he tell me that the Archives had informed him of this, whether the form of notification was specific or general? All this does bear in intent, to sound like a lawyer.

"You have rbought up the death certificate with me before and I told you then that you did not understand it, that it had much more importance than placing the back wound." Now in his letter to me he pretends that he had not seen the death certificate here, the only place he could have, not ever having been to Gary's or any other place I deposited copies. Yet in his letter to me he alleges, "I don't know if you ever showed me the Berkeley (we both hit him on the same thing here) death certificate. I do know that you mentioned it to me as something that was made available (!!!!!) to you by Tom Kelly[sic]." If all I did was mention having it, he could not have known that it could be used for the reason he alleges. Of course he saw it here often and begged me to show it to everyone he brought, from his reporter-brother-in-law down, down meaning to those with no real interest in the subject. Now it happens that he was informed of the other importances, but the state of his ignorance is such that they didn't register. You and I have never discussed the obvious, but the placing of the wound is but one of the significances.

You quote his word "released". I should have address this to him. It is not accurate. They "release" NOTHING in the sense he uses the word. There merely end withholding, and in this case it was not even the Archives that was doing the wtihholding.

Another digression: I think all these pretendely-serious and pretendedly-passionate truth-seekers had better realize what their crookedness forces upon me at a time when none of them has done anything in years except, in one form or another, steal. I will have to refuse to accept anything of which I can force copies out if I am to get them via the Archives or face spending hundreds and hundreds of hours of the most taxing and difficult work only to have it stolen. I think that the next time I'll refuse to take anything through the Arcgives because of this. There is no sense at all in my expending this time only to have the whores feed the whores, that is, have the department of disinformation make it all available to those who will use wrongly, inadequately, out of context, or couner-productively. I'll have to think of this, and if they have any of the seriousness they pretend, they'd better, too. I live with thieves who have more honor and less capacity for hurt, including to society.

Where you talk about the possibility of the film being falsified, you missed a telling argument: I had personally prepared Wecht for this in 1968 late or early 1969 in ways that nobody else could. You are correct in what you say about the panel, but I gave him this and I also discussed it with him, by phoned when he called me back (reverse, yet!) from Las Vegas, when he called me (again reverse) when Bud, Salandria and others werr here, and prior to his Halleck testimony.

I think you oversimplify when you talk, as I welcome somebody understanding, about "but if this is published would you consider paying Harold the infinite cost and the damage itwill do <u>his</u> work?" If this is true, it personalizes too much and falls short of the greater damage, what teeth it pulls, how counter-productive it can be, how it diminishes the already-poor prospects of a complete, in-textual use -and how it hurts what all allege they so want. They can't think this way. I suggest you do it independently. You may not agree.

Anger is a good emotional release. I am glad you have found it. Your letter considerably diminishes my concern over your being in the middle on this and torn as you were. I wrote Dick, by the way, ithout telling him the whole story in the event you followed my suggestion

and took counsel with him if you found your father's lack of knowledge of the subject matter a liability. I don't think you have ever really displayed it to me before. Bravo! Ecclesiastes again: there is a time and a place for everything - more than a time to saw and reap, be born and die. A time for a man to find his hind legs, too! And ot be erect. I think this rperesents a stage in your emotional growth and maturity. You may be interested when you are here again in rading my dialogue with a Tulane lit. prof on this. And the education and conditioning inflicted on your genegration and the half-generation ahead. It is years old but I think relevant.

If I do not say it in justification of what can be legitimately vomplained against in my writing, I ask ig you can now better understand why I write so much of it as I do and yyt have always sought editing? This goes back much farthur than I have ever told you, to early 1965 and the ms. of WHITEWASH, where I tried to get a professional editor to do that with the ms. She accepted only a reading fee and said the needed editing would vary with publisher, not to touch it until then. It is true of every work except PW, which was but 28 days from start to deliver of the first 100 bound copies. I can't write it as fast and I do and feel I must without this simultaneous release.

If, as we do, we appreciate your personal loyalty and friendship, I must again caution you not to let this dominate your thinking or your expression. The moral and ethical and I think legal issues are there. But your primary concerns, in my view, should be your personal integrity and the overall good, the overall interest. Your concerns should not center on our personal interest or our friendship.

There have been several interruptions, including here for lunch. If you can recall some of the quotes I found it desireable to use in the Epilogue, ranging from Lincoln to a saint, think of them in the above context. I am, of course, pleased at your obviously sincere interest in is and in how close your thinking to mine now is on some of these questions, particularly because it is independent. But if you are consider Polonius' advice, as I think you should, be certain that it is not in anticipation of what you felt my opinions would be. In almost all cases you say the same thing, if in different words. I prefer to think this is because they are right. But you be sure of your independence in your own mind.

The word of Sylvia's illness is out. After Jim told me what he called for, to say he's coming up in the morning, I again asked him what is new. When he didn't volunteer that he'd heard from Jerry I asked. No. I asked if he'd heard from or about Sylvia. He said yes. I asked if he'd care to say what. He said that she is ill. I asked if Jerry were the source. He said independently. So, I also think you understand why I am telling you this. Jerry did not tell you alone and if there is any later claim to your having breached confidence, you will know the answer. I also told Jim that he need not feel that he is keeping secrets from me, that I know Cyril has been in touch. He said only o.k.

It turns out that Bud has in secret filed an FOI suit for the pictures in 566. There is a hearing before Judge Gesell, where the enormous record I filed should help. You know, I think, that he used language from my Complaint in his Post/Pentagon Papers decision. I think he is one to whom this is getting through. I can only hope that this incredible ambition to do something personal, without checking independently, doesn't hurt Bud or the rest of us. I do not know whether this suit is for the 3 or the 20 photos mentioned in this previously-classified CD, and I am aware that if there is an LHO identification it could hold some interest. However, I fear that the possibility to damage to others in the pictures, all of which cannot be of LHO if any is, may lead to an adverse decision and an adverse precedent, something I have avoided to date even when my own lawyer. It is apparent that this CD involves the Mexican police and government, which provides legitimate basis for withholding and makes the doctrine of the complaint more vital. I have no knowledge of any of these things, not having beenconsulted. I know Bud got nowhere with his efforts at CIA with CD237/Odum Ex. 1. Perhaps my influenceon Jim's thinking in the past may have lead to what I would regard as the proper doctrinal approach, withholding from the Commission itself.

Anyway, I am relieved to get your letter because I am relieved at the relief of some of the pressue on you. I have heard from nonbody other than I have informed you.

If you are one of those interested in De Mohrenschildt, then you may be interested in the similarity between the arrested Richmond C. Harper and "Tito" Harper (9H213). The Post has carried almost nothing, onlt this name and Seal. I take it your papers have had nothing big on what I call The Watergate Caper.

Best,